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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 5, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

OLIVER D. RUDY, TRUSTEE OF
THE FINE CREEK LAND TRUST

and

CASE NO. PUE010473

THE REED'S LANDING CORPORATION,

COMPLAINANTS

v.

SOUTHSIDE ELECTRIC COOPERATIVE,

DEFENDANTS.

To seek sanctions for alleged
Abuse of authority granted under
§ 56-49 of the Code of Virginia

ORDER REQUESTING RESPONSE

On August 24, 2001, Oliver D. Rudy, Trustee of the Fine Creek Land Trust, and the Reed's Landing Corporation ("Petitioners") filed a Petition with the State Corporation Commission ("Commission") requesting that the Commission, pursuant to § 56-35 of the Code of Virginia ("Code"), find that Southside Electric Cooperative ("Southside" or the "Cooperative") has abused the powers granted to it pursuant to § 56-49 of the Code.

In support of its Petition, the Petitioners state that Southside is a public service corporation chartered pursuant to the Code. The Petitioners further state that, pursuant to § 56-35 of the Code, the Commission is charged with supervising, regulating, and controlling all public service companies doing business in the Commonwealth in matters relating to the performance of their public duties and correcting any abuses therein. The Petitioners allege that Southside obtained an easement from the Petitioners, under § 56-49 of the Code, and that Southside failed to pay the amount that Southside had agreed to pay the Petitioners and that the Petitioners are aggrieved thereby. The Petition further contends that the Cooperative made misrepresentations during the acquisition of the easement it sought from the Petitioners, and that the methods used by Southside amounted to the confiscation of approximately seven (7) acres of the Petitioners' property.¹

The Petition requests that the Commission take such action as it deems necessary, proper, and sufficient to ensure that, in the future, Southside does not subject landowners, whose properties are subject to § 56-49 of the Code, to the "expense, aggravation and humiliation of dealing with misleading, and inappropriate actions by the [Cooperative]."

¹ The Petition also represents certain additional facts as alleged by the Petitioners. A copy of the Petition was served on the Cooperative's counsel.

NOW UPON CONSIDERATION of the Petition, the Commission is of the opinion and finds that this matter should be docketed; that Southside should file an Answer or other pleadings responsive to the Petition; and that a Hearing Examiner should be appointed to this matter.

Accordingly, IT IS ORDERED THAT:

(1) This matter is hereby docketed and assigned Case No. PUE010473.

(2) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120 A of the Commission's Rules of Practice and Procedure ("Practice and Procedure Rules"), a Hearing Examiner is appointed to conduct further proceedings on behalf of the Commission.

(3) On or before October 1, 2001, the Cooperative shall file with Joel H. Peck, Clerk of the Commission, c/o Document Control Center, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, an original and fifteen (15) copies of its Answer or other pleadings responsive to the Petition.

(4) On or before November 12, 2001, the Petitioners and the Cooperative shall file with the Clerk of the Commission, at the address set forth in Ordering Paragraph (3) above, a joint stipulation of the facts and issues upon which they both agree, and shall in the same document also identify the facts and

issues upon which they do not agree. A copy of the stipulation shall simultaneously be served on counsel for Staff.

(5) The Petitioners and Cooperative shall respond to written interrogatories within ten (10) business days after the receipt of the same. Except as so modified, discovery shall be in accordance with Part IV of the Practice and Procedure Rules.

(6) This matter is continued generally.